

Remarks

Status of the Application

Prior to entry of this amendment, claims 1-55 were pending. The Office Action mailed September 28, 2010 rejected claims 1-55 under § 103(a) as being unpatentable over 6,816,878 to Zimmers et al. (“Zimmers”), in view of 7,233,781 to Hunter et al. (“Hunter”) in view of 6,526,581 to Edson (“Edson”) in further view of 2003/0131142 to Horvitz et al. (“Horvitz”).

This paper neither amends, adds, nor cancels any claims. Hence, after entry of this paper, claims 1-55 will remain pending for examination. Claims 1, 15, 27, 43, and 49 are independent claims.

Rejections under 35 U.S.C. § 103

Claims 1-55

Claims 1-55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zimmers, in view of Hunter, in view of Edson, in further view of Horvitz. These rejections are respectfully traversed, because the final Office Action has not demonstrated that the cited combination either teaches or suggests each element of any rejected claim.

For example, consider claim 1, which recites, *inter alia*, “wherein the alert gateway is in communication with two or more types of subscriber equipment, and is configured to analyze the event information and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the event information.” Claim 1 further specifies what is meant by the term, “event information”: “the alert being configured to describe an event and having associated information about the alert comprising event information characterizing the event.”

Thus, claim 1 requires an alert gateway to analyze information characterizing the event (e.g., a weather event, natural or disaster, civil defense warning, etc.) that is the subject of the alert itself, and based on the information characterizing the event (not merely information characterizing the alert itself), determine which of the subscriber equipment should receive the alert.

The Office Action correctly concedes that neither Zimmers, Hunter, nor Edson discloses or suggests this feature. The Office Action, however, does contend that Horvitz discloses this functionality. We respectfully disagree.

Horvitz does disclose a system that intelligently routes notifications to one or more of a plurality of devices. Horvitz' system performs this task by forcing the notifications to comply with an XML schema, which can be used to provide a variety of data characterizing the notification itself (e.g., notification message size, content type, etc.). *See* Horvitz, ¶ 0160 (disclosing explicit routing policies hard coded into the schema for determining how notifications should be routed), ¶ 0161 (disclosing a notification header that describes a class, title, and subscription identifier for the notification, which can all be used for routing), ¶ 0162 (describing notification body attributes, such as type of content, size of content, priority of content, etc.), ¶¶ 0165-69 (disclosing rendering preferences that describe how types of content can be summarized on a per-device basis and how content can be encoded in multiple ways for different devices, with encoding hints to indicate routing preferences). Horvitz also describes device schema, which can be used to describe the abilities of particular devices, which can serve as a routing guide. *See id.*, ¶¶ 0175-76.

Horvitz, however, does not appear to disclose any functionality for analyzing, as the basis of a routing determination, any information characterizing an event that is the subject of the content in the notification. Instead, Horvitz relies on the notification schema, which Horvitz describes as "metadata about the subscription of a service to a source of information, as well as representing details about that information, including the nature, importance, time criticality or urgency of information, disposition over time of information provided by a message, and message handling preferences," to make a routing determination. *Id.* ¶ 1059. In other words, Horvitz' system is unconcerned with the information provided by the content of the notification, because it relies on metadata about the content (or the notification itself) to make routing decisions.

In contrast, claim 1 recites a system that is capable of determining, from information in the content of the alert (i.e., the event information that characterizes the event that is the subject of the alert), rather than any metadata about the alert, which of the two or more types of subscriber equipment should receive the alert.

This distinction is not a trivial difference, and the solution provided by claim 1 would not be an obvious modification of Horvitz' disclosed technique. Horvitz relies on carefully-formatted notifications, which are received from an information provider, to provide precise routing of the notifications. Claim 1 has more general applicability, because it does not require such a schema. Instead, the system recited by claim 1 is capable of analyzing the raw information in the alert, which describes the event itself, to make routing determinations. This feature, which is neither disclosed nor suggested by Horvitz or any other cited reference, is beneficial in the context of an alert distribution device, because there is no guarantee that the alerts will comport with any particular schema when they are received by the system.

For at least this reason, claim 1 is allowable over any combination of Zimmers, Hunter, Edson, and Horvitz. Claims 15, 27, 43, and 49, each of which disclose similar features, are allowable over those references for at least similar reasons. The remaining claims are allowable over that combination at least by virtue of their dependence from allowable base claims.

Conclusion

Applicant believes that the pending claims are in condition for allowance. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This paper constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

Date: 2010-12-28

/Chad E. King/
Chad E. King, #44,187
Swanson & Bratschun, L.L.C.
8210 Southpark Terrace
Littleton, CO 80120
Telephone: (303) 268-0066
Facsimile: (303) 268-0065